

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	19cr502 (DLC)
	:	
JEFREY SANCHEZ-REYES,	:	
	:	<u>ORDER</u>
Defendant.	:	
	:	
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DENISE COTE, District Judge:

On December 19, 2019, Jeffrey Sanchez-Reyes pleaded guilty to one count of conspiracy to distribute and possess with intent to distribute cocaine, in violation of Title 21, United States Code, sections 846 and 841(b)(1)(A). On July 24, 2020, Sanchez-Reyes was sentenced to a term of 48 months' imprisonment. Sanchez-Reyes is now incarcerated at Federal Correctional Institution Fort Dix. He is forty-two years old, and the Bureau of Prisons projects that he will be released on May 29, 2023.

On December 23, 2020, Sanchez-Reyes, proceeding pro se, petitioned for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A).<sup>1</sup> Section 3582(c)(1)(A) requires a petitioner to exhaust administrative remedies before moving a court for compassionate release. The exhaustion requirement, may, in the alternative, be satisfied if thirty days have passed since the

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<sup>1</sup> Sanchez-Reyes's petition is dated December 23, 2020, and it was received and docketed by this Chambers on January 27, 2021.

petitioner asked the warden of his facility to make a motion for reduction of sentence on his behalf. 18 U.S.C. § 3582(c)(1)(A).

Once a petitioner fulfills the exhaustion requirement, the Court may reduce the petitioner's sentence if it finds that "extraordinary and compelling reasons" warrant a reduction, 18 U.S.C. § 3582(c)(1)(A)(i). District courts are tasked with "independently . . . determin[ing] what reasons, for purposes of compassionate release, are extraordinary and compelling." United States v. Brooker, 976 F.3d 228, 234 (2d Cir. 2020) (citation omitted). If the Court finds that "extraordinary and compelling reasons" are present, the Court must also consider the sentencing factors set forth at 18 U.S.C. § 3553(a) before reducing the petitioner's sentence.

Sanchez-Reyes's motion is denied. As an initial matter, he has not demonstrated exhaustion. Sanchez-Reyes's petition makes no reference to any effort to exhaust administrative remedies before moving this Court for compassionate relief. As such, it is not possible to determine whether Sanchez-Reyes has satisfied the exhaustion requirement of the compassionate release statute.

Sanchez-Reyes also does not provide an extraordinary and compelling reason justifying compassionate release. His petition refers to the risk of contracting COVID-19 while incarcerated. But he does not list any underlying medical

conditions that increase his risk of developing a serious case of COVID-19.


Finally, the § 3553(a) factors weigh against Sanchez-Reyes's release. Sanchez-Reyes was sentenced in July 2020, during the COVID-19 pandemic, and the risks of incarceration during the COVID-19 pandemic were considered when imposing a sentence. This Court imposed a sentence of 48 months, well below the Sentencing Guidelines range and the Probation Department's recommendation. Sanchez-Reyes has served only a fraction of that sentence, and no further reduction is warranted. Accordingly, it is hereby

ORDERED that the December 23, 2020 petition for compassionate release pursuant to § 3582(c)(1)(A) is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mail Sanchez-Reyes a copy of this Order and note mailing on the docket.

SO ORDERED:

Dated: New York, New York  
January 29, 2020

  
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DENISE COTE  
United States District Judge

Copy mailed to:  
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